

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CYNTHIA ROMAN,

Plaintiff,

-against-

CAROLYN W. COLVIN,  
Acting Commissioner of Social Security,  
Defendant.

-----X  
LORNA G. SCHOFIELD, District Judge:

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>09/14/2016</u>
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15 Civ. 4800 (LGS)(JCF)

ORDER AND OPINION

Before the Court is the Report and Recommendation of Magistrate Judge James C. Francis (“Report”), recommending that the Court deny Plaintiff’s motion for judgment on the pleadings and grant the Commissioner’s cross-motion for judgment on the pleadings. For the reasons stated below, the Report is adopted in its entirety, Plaintiff’s motion is denied, the Commissioner’s cross-motion is granted, and the case is dismissed.

Plaintiff, who is represented by counsel, filed the Complaint in this action on June 19, 2015, seeking review of the decision of an Administrative Law Judge (“ALJ”) denying Plaintiff’s application for supplemental security income. The Appeals Council denied Plaintiff’s request for review making the ALJ’s determination the Commissioner’s final decision.

This case was referred to Judge Francis on June 23, 2015. Plaintiff filed a motion for judgment on the pleadings on February 26, 2016. The motion seeks remand of the ALJ’s decision on the ground that it is not supported by substantial evidence. The Commissioner responded by filing a cross-motion for judgment on the pleadings on March 24, 2016.

Judge Francis issued the Report on August 2, 2016. The Report concludes that the ALJ’s decision is supported by substantial evidence and recommends that Plaintiff’s motion be denied and the Commissioner’s cross-motion be granted. Plaintiff did not file objections to the Report.


A district court reviewing a magistrate judge's report and recommendation "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). The district court "may adopt those portions of the report to which no 'specific, written objection' is made, as long as the factual and legal bases supporting the findings and conclusions set forth in those sections are not clearly erroneous or contrary to law." *Adams v. New York State Dep't of Educ.*, 855 F. Supp. 2d 205, 206 (S.D.N.Y. 2012) (citing Fed. R. Civ. P. 72(b)); *see also Thomas v. Arn*, 474 U.S. 140, 149 (1985).

The factual findings and legal conclusions underlying the Report are not clearly erroneous or contrary to law. Accordingly, the Report is ADOPTED in its entirety as the decision of the Court. Plaintiff's motion for judgment on the pleadings is DENIED, the Commissioner's cross-motion for judgement on the pleadings is GRANTED, and the Complaint is dismissed.

The Clerk of Court is directed to close the motions at Docket No. 17 and Docket No. 19 and to close this case.

SO ORDERED.

Dated: September 14, 2016  
New York, New York



**LORNA G. SCHOFIELD**  
**UNITED STATES DISTRICT JUDGE**